

**ENTERED**

February 24, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHARLES E. EPLEY, a/k/a  
PIERRYCK CASTELLAZZI,

*Plaintiff,*

v.

KELLY STRONG, *et al.*,

*Defendants.*

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CIVIL ACTION NO. H-19-3036

**MEMORANDUM OPINION AND ORDER**

Rule 4(m) of the Federal Rules of Civil Procedure provides that, when a plaintiff fails to serve a defendant within 90 days after the complaint is filed, the court is required to dismiss the action without prejudice or order that service be made within a specified time. FED. R. CIV. P. 4(m).

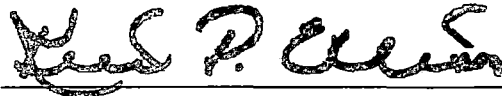
The docket in this case shows that plaintiff, who is not incarcerated or proceeding *in forma pauperis* and is currently represented by counsel, filed a *pro se* civil complaint against twelve or more state employees on August 12, 2019. He took no action to serve the defendants. On October 1, 2019, plaintiff was advised to comply with the service requirements of Rule 4(m) or his lawsuit would be dismissed.

Plaintiff subsequently obtained counsel of record, who requested issuance of summons on October 31, 2019. The Clerk's Office issued summons the next day, November 1, 2019, and notified counsel. Nevertheless, the defendants remained unserved and, on January 13,

2020, the Court ordered plaintiff to serve the defendants by February 13, 2020. The Court warned plaintiff that failure to timely comply with the order may result in dismissal of the lawsuit under Rule 4(m).

The Court's docket shows that this lawsuit has been on file for over six months and the defendants remain unserved. Plaintiff has been provided ample time to serve the defendants. Accordingly, this lawsuit is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m). Any and all pending motions are **DISMISSED AS MOOT**.

Signed at Houston, Texas, on this the 24 day of February, 2020.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE